

Fred S. Vallo, Sr., Governor
Robert MoQuino, 1st Lt. Governor
Kurt Riley, 2nd Lt. Governor
Jonathan Sims, Tribal Secretary
Christopher J. Garcia, Tribal Interpreter



EX PARTE OR LATE FILED

25 Pinsbaari Drive

P. O. Box 309
Acoma, NM 87034

Telephone: (505)552-6604

Fax: (505)552-7204

May 19, 2015

PUEBLO OF ACOMA
OFFICE OF THE GOVERNOR

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MAY 27 2015

FCC Mail Room

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: The Pueblo of Acoma Reply Comments re: Public Notice FCC 15-49—Request for Further Comment on Issues Related to Competitive Bidding Proceeding; WT Docket Nos. 14-170 and 05-211, GN Docket No. 12-268, and RM-11395

Dear Secretary Dortch:

On behalf of the Pueblo of Acoma, I am submitting these reply comments in response to Public Notice FCC 15-49. The Pueblo of Acoma, located approximately 60 miles west of Albuquerque, NM, comprises of 5,100 members with 2,200 of its membership residing within the exterior boundaries of its reservation. The area is highly remote and rural and lacks communication infrastructure, especially wireless communication systems in the highly remote areas of its lands which are necessary for emergency purposes. The Pueblo owns and operates a small casino with the revenue from the enterprise subsidizing the governmental operations of the Pueblo; mainly funding social services, emergency medical services, law enforcement, public works and utilities, etc. with very little capital invested back into the business. Chairman Tom Wheeler has visited the Pueblo of Acoma recently and knows our lack of communications infrastructure.

There is a great need for high-speed and dependable telecommunications services on many tribal lands throughout the United States. Consequently, the Federal Communications Commission (FCC) has a very in-depth understanding of the challenges tribes face in deploying or bringing telecommunications services to tribal lands. This has been well documented in the FCC's Docket filings by tribes, tribal organizations, and tribal telecommunications providers. The FCC itself continues to reference these challenges when it initiates a rulemaking that includes specific tribal proposals.

The Pueblo of Acoma supports comments already submitted regarding the Public Notice FCC 15-49 by the National Congress of American Indians and others.¹ The commenter's highlighted key reasons as to why the FCC must preserve the small business designated entity program, and the National Congress of American Indians also provided sound justification for preserving the tribal land bidding credit since WT Docket No. 11-40 has remained inactive in the rulemaking

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process. In order for tribes to break into this highly competitive market, programs like the small business designated entity and the tribal land bidding credit are essential in providing tribes with an opportunity to participate in future auctions.

The Pueblo of Acoma highly disagrees with the disrespectful and prejudicial comments filed by NTCH, Inc., which made blatant assumptions about tribal nations, their citizens, and their financial statuses.ⁱⁱ NTCH, Inc.'s recommendation to develop some sort of "means testing" to determine telecommunications need in Indian Country is a disrespectful assumption of the state of telecommunications on tribal lands. Chairman Wheeler, the FCC in total, along with other federal entities, has already acknowledged and documented the telecommunications infrastructure disparities that have persisted on tribal lands for decades. We respectfully urge the FCC to disregard such comments and preserve the tribal land bidding credit and small business designated entity programs for the benefit of future tribal participation.

Furthermore, we would encourage that the FCC take into serious consideration how any modifications to the tribal land bidding credit and/or small business designated entity program may adversely affect tribal opportunities to participate in future spectrum license auctions. Tribes already face daunting barriers to obtaining spectrum licenses for commercial mobile wireless services on tribal lands. Given the immensely competitive nature of spectrum auctions and the vast amount of capital needed to participate, the FCC should not hastily modify programs that will further prevent tribal participation. Therefore, we strongly urge that the FCC not promulgate rules that would further hinder tribes from obtaining such spectrum licenses.

Sincerely,

PUEBLO OF ACOMA



Fred S. Vallo Sr.
Governor

cc: Tom Wheeler, Chairman
Federal Communications Commission

Geoffrey C. Blackwell, Chief
Office of Native Affairs & Policy

ATO File

ⁱ See Doyon, Limited and Chugach Alaska Corporation, Comments. May 14, 2015 Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001031750>. Leech Lake Telecommunications, Comments. May 14, 2015. Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001031605>. Native Public Media, Comments. May 14, 2015. Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001031662>. National Congress of American Indians, Comments. May 14, 2014. Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001031719>.

ⁱⁱ See NTCH, Inc., Comments, WT Docket Nos. 14-170 and 05-211, GN Docket No. 12-268, and RM-11395. "B. No Automatic Bidding Credits for Indians" Pages 4-5. May 13, 2015. Available at <http://apps.fcc.gov/ecfs/document/view?id=60001047246>.